

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MISSOURI ELECTRIC)
COOPERATIVES, d/b/a)
ASSOCIATION OF MISSOURI)
ELECTRIC COOPERATIVES;)
ASSOCIATION OF MISSOURI)
ELECTRIC COOPERATIVES-PAC;)
DAVID KLINDT;)
and LEGENDS BANK,)

Plaintiffs,)

vs.)

STATE OF MISSOURI, and)
THE MISSOURI ETHICS COMMISSION)
AND ITS COMMISSIONERS:)
NANCY HAGAN, BILL DEEKEN,)
ERIC L. DIRKS, DON SUMMERS,)
KIM BENJAMIN AND)
GEORGE RATERMANN,)

Defendants.)

Case No. 4:16-cv-01901

**PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

Pursuant to Rule 65, Plaintiffs respectfully request this Court grant a temporary restraining order and preliminary injunction enjoining Defendants, their agents, or anyone acting on their behalf from executing or enforcing the unconstitutional provisions of Article VIII, Section 23 in any way.

Article VIII, Section 23 was enacted by Missouri voters on November 8, 2016 and became effective December 9, 2016. By its terms, Section 23.3(12) limits contributions to political action committees to only certain types of corporations and it prohibits entirely contributions between political committees, also known as PAC to PAC transfers. Section 23.3(16) prohibits non-Missouri corporations from contributing to political action committees

unless they are a limited liability company authorized to do business in Missouri. The limitations of these provisions violate the First Amendment, the Missouri Constitution, and the Equal Protection provisions of the state and federal constitutions.

Because Plaintiffs will suffer irreparable harm absent a preliminary injunction, Defendants will not suffer injury if a preliminary injunction issues, Plaintiffs will likely succeed on the merits, and a preliminary injunction serves the public interest, this Court should issue an order enjoining Defendants, their agents, or anyone acting on their behalf from executing or enforcing the unconstitutional provisions of Article VIII, Section 23 in any way, and for such other relief as the Court deems just. *Home Instead, Inc. v. Florance*, 721 F.3d 494, 497 (8th Cir. 2013) (quoting *Dataphase Sys., Inc. v. C L Sys., Inc.*, 640 F.2d 109, 113 (8th Cir. 1981)).

Respectfully submitted,

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served by mail on all parties on
December 19, 2016.

/s/ Charles W. Hatfield
Attorney for Plaintiffs